

LAWRENCE H. SCHOENBACH*
PARTNER, INSTITUTE FOR TAX AND
COMMERCIAL LAW, CH. ZÜRICH

OF COUNSEL
ELLEN BESSIS**
JÜRGEN BRAND***
ERICA B. POPKIN
A. JEFFREY WEISS****

*ALSO ADMITTED IN D. PUERTO RICO AND U.S.V.I.
**ADMITTED IN FRANCE ONLY
***ADMITTED IN SWITZERLAND ONLY
****ALSO ADMITTED IN U.S.V.I. AND ILL.

LAW OFFICES OF
LAWRENCE H. SCHOENBACH, PLLC

A PROFESSIONAL LIMITED LIABILITY COMPANY

THE TRINITY BUILDING
111 BROADWAY, SUITE 1305
NEW YORK, NEW YORK 10006
(212) 346-2400

FACSIMILE (212) 346-4865

SCHOENBACHLAWOFFICE@ATT.NET
WWW.SCHOENBACHLAW.US

108 BOULEVARD DU MONT-PARNASSE
75014, PARIS, FRANCE

TALSTRASSE 82
POSTFACH 4818
8022, ZÜRICH, SWITZERLAND

2111 COMPANY STREET
CHRISTIANSTED, ST. CROIX
U.S. VIRGIN ISLANDS 00820

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ FEB 27 2012 ★

February 23, 2012

BROOKLYN OFFICE

Via Overnight Mail

Honorable Jack B. Weinstein
Senior United States District Judge
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

*Motion granted
Re: as requested
Es. as requested
J. DiMatta
2/27/12*

Re: *United States v. Frank DiMattina*
11 Cr. 005-01 (JBW)

**SENTENCING IS ADJOURNED TO
3/26/12 AT 10:30 a.m.**

Dear Judge Weinstein,

I write on behalf of my client, the above-referenced Frank DiMattina, for whom I recently filed a Notice of Appearance, replacing Mr. DeMattina's trial counsel. I write to respectfully request a brief adjournment of Mr. DiMattina's sentencing, currently scheduled for March 6, 2012 because Mr. DeMattina did not receive the Pre-Sentence Report ("PSR") until February 17, 2012 (the Friday before the three (3) day President's holiday weekend). The PSR was not made available to me until Monday, February 21, 2012.

The U.S. Sentencing Guidelines contemplates that a defendant has the PSR "at least 35 days before sentencing. See § 6A1.2 (a); see also Rule 32(e)(2), Fed. R. Crim. P. Accordingly, I respectfully request that Mr. DeMattina's sentencing be rescheduled for March 26, 2010 at 10AM. The extra time will allow me to properly prepare for defendant's sentencing.

I have discussed this matter with AUSA Jack Dennehy who informs me that he opposes this request.

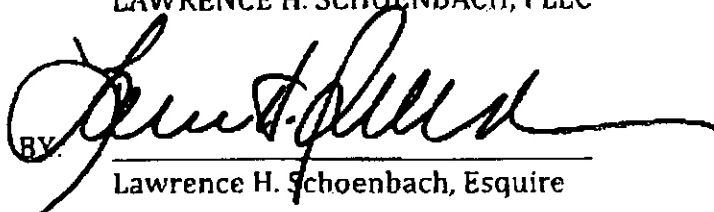
JBW

LAW OFFICES OF
LAWRENCE H. SCHOENBACH, PLLC

Thank you for your consideration.

Very truly yours,

LAW OFFICES OF
LAWRENCE H. SCHOENBACH, PLLC

BY: 
Lawrence H. Schoenbach, Esquire

LHS/sms

Cc: AUSA Jack Dennehy, Esq.
Mr. Frank DeMattina